

REMARKS

Amendment to the claims has been made to more clearly define the present invention. Particularly, as shown in the figures, the primary coils and the secondary coils are defined as being canted and formed from round wire with each having a major and a minor axis and canted along a respective coil centerline. In addition, the primary and secondary coils are joined to form a garter spring and importantly the primary and secondary coils are disposed with either a concave turn angle or a convex turn angle within the garter spring as also illustrated in the figure and discussed in the specification. Accordingly, no new matter has been added. Corresponding claims including the elements now incorporated in independent claims have been cancelled, namely claims 12-14, 16-18, 34-36, and 38-40.

Claim 3 has also been cancelled to overcome the Examiner's rejection thereof under 35 USC 112, second paragraph.

Traverse of the Examiner's rejection will be made under the basis of the amended claims. In that regard, claims 1-12, 15, 16, 19-34, 37, 38, 41-45 have been rejected by the Examiner under 35 USC 103(a) as being unpatentable over Balsells '638 in view of Williams and Watanabe.

First, the Watanabe reference is improperly combined with the Balsells reference inasmuch as the Watanabe coil spring utilizes wire having rectangular cross section. Watanabe specifically distinguishes the structure of the non-linear, non-circular coil spring thereof as having square cross section which is different from the coil spring of circular cross section, see column 1, beginning at line 24, and further distinguishes the fact that the square cross section provides for different spring characteristics. Accordingly, the Applicant submits that the combination of Watanabe and Balsells is improper. The Applicant submits that there must be some logical reason apparent from positive, concrete evidence of record that justifies the combination of the primary and secondary references.

There is no incentive or motivation for combining the Watanabe reference with the Balsells reference in view of the teachings of Watanabe itself.

Such a combination would destroy the invention upon which Balsells '638 is based. Under these circumstances, the combination of references is improper. *Ex parte Hartmann*, 186 USPQ 366 (PTO Board of Appeals 1974); *Ex parte Steranu*, 155 USPQ 733 (PTO Board of Appeals 1967).

In addition, none of these references teach the turn angles now claimed in independent claims 1 and 25.

Williams relied on by the Examiner to illustrate in some types of applications the desireability of having the axis of coils that are offset from one another, provides no teachings with regard to turn angles. Accordingly, based upon the amended claims, the Balsells '638, Williams, and Watanabe references do not provide a basis for finding a *prima facie* case of obviousness under 35 USC 103(a). The Examiner is respectfully requested to withdraw the rejection of claims 1-12, 15, 16, 19-34, 37, 38, 41-45 under 35 USC 103(a) on the basis of the Balsells '638, Williams, and Watanabe references.

In addition, neither Williams nor Watanabe teach or suggest primary and secondary coils each having a major and a minor axis and canted along a coil centerline defined by an intersection of the major and minor axis. The non-circular description provided by the Watanabe reference applies to the cross section of the wire making up the spring and not the coils, which are clearly shown in all the figures as being circular. This is also true of the Williams reference. Thus, there is no teaching in the Watanabe and Williams reference which would be applicable to the use of primary and secondary canted coil springs having major and minor axis and canted along a coil centerline.

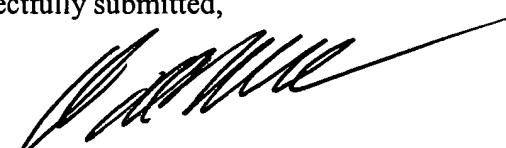
Claims 13, 14, 17, 18, 35, 36, 39, and 40 have been rejected by the Examiner under 35 USC 103(a) as being unpatentable over Balsells '638 as modified by the Williams and Watanabe references and further in view of Balsells '276.

While Balsells '276 shows turn angles, there is no teaching in this reference with regard to the use of primary and secondary canted coils with such coils being offset from one another. Accordingly, a *prima facie* case is not established for the rejection of claims 13, 14,

17, 18, 35, 36, 39, and 40 under 35 USC 103(a). The Examiner is respectfully requested to withdraw this rejection.

In view of the arguments hereinabove set forth and amendment to the claims, it is submitted that each of the claims now in the application define patentable subject matter not anticipated by the art of record and not obvious to one skilled in this field who is aware of the references of record. Reconsideration and allowance are respectfully requested.

Respectfully submitted,

  
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